

## **REGULAR SESSION    RUSH COUNTY BOARD OF COMMISSIONERS    MAY 9, 2011**

The Rush County Board of Commissioners met in regular session, Monday, May 9, 2011 with Commissioners, Tom Barnes, Marvin Cole, Ken Masters, Deborah Adams, Auditor, and Leigh Morning, County Attorney in attendance.

Commissioner Tom Barnes called the meeting to order, Tom Barnes made the correction to have the word “*what*” struck from the sentence: Tom Barnes spoke that he was not inclined to tell any man what or how he will plant his field. (Under the subject matter County Roads.) Ken Masters made the motion to approve the April 25, 2011 minutes as corrected. Marvin Cole seconded the motion. Motion carried.

### **AREA PLAN**

Bill Todd, Area Plan Director, had several items to bring before the commissioners:

- MOSCOW – Todd approached the commissioners regarding the structure located on the west side of the Moscow Covered Bridge. Todd reported that complaints had been received indicating that the location was a junk yard. Todd indicated that following letters being sent to the Wendel’s regarding the questioned property, the Wendel’s agreed to the placement of a fence around the property. A time table of May 1, 2011 was set to remove the structure. Todd reported that clean up had begun and Mrs. Wendel had contacted him asking for an extension due to the recent rains. Todd noted that Commissioner Marvin Cole had also made a site visit and it was apparent that diligent efforts had been made. Todd reported that a thirty (30) day extension had been granted to the Wendel’s. A letter has been issued indicating a June 1, 2011 deadline. Todd will provide a copy to the commissioners.

Several members of the audience were present and wished to be heard. Commissioner Tom Barnes informed everyone that this meeting had not been advertised as a public hearing. Barnes also informed those who did speak to give their names and addresses prior to speaking.

Brian Colestock of Milroy stated that he was an adjacent landowner. Colestock commended everyone for working together. Colestock reported that the Wendel’s are not mowing the area again. Colestock questioned the commissioners on the removal of the fence that is around the questioned structure. The commissioners informed Colestock that the fence would be removed.

Colestock also shared his concerns of the children in the neighborhood. Colestock indicated that the house north of the store has a swarm of bees.

Michael Mann of Milroy, questioned Tom Barnes on his reaction when the swarm of bees were mentioned. Barnes explained his reaction. Mann indicated that the house is seven feet (7’) from the road. Barnes advised Mann that if he felt this was a health hazard to register a

complaint with the health department. Mann also shared that he wanted to make a formal request surrounding unsafe building concerns of the house.

Mann was informed that Rush County does not have an unsafe building code as many other counties in Indiana also do not have unsafe building codes. Rush County currently has no funds available to tear down the buildings or to fund the position of a code enforcement officer.

The Commissioners were questioned if the fence around the structure on the west side of the Covered Bridge was paid at the cost of the tax payers. It was reported that the Wendel's paid for the fence. The county only assisted with the construction of the fence around the structure.

Mike Olsen of Milroy stated he lived a quarter mile from the site. Olsen stated that he had called the courthouse regarding varmints at the house. Olsen shared concerns and questioned if the Wendel's have insurance on the building, noting that children will be children. Tom Barnes informed Olsen that "We are not a Court of Law".

Tom Barnes was questioned by Michael Mann if he had been to the Moscow area since the Moscow Bridge dedication. Barnes indicated that yes, he had been there several times. Barnes did inform Mann that one commissioner also lives in the Moscow area.

Barnes informed the gathered group that the commissioners will discuss the matter with the county attorney before moving forward. Barnes finished by saying the commissioners has become more of a sounding board in regards to these matters.

- Todd reported that a meeting is scheduled for Tuesday, May 10, 2011 with Koors, the DNR, Kevin Spilman, and John Mull in regards to the Hodges Branch flood study.
- Todd brought before the commissioners a WTH contract for two (2) editor licenses for the Sheriff and the Area Plan Offices. Todd reported that the contract has been reviewed by the county attorney and will be paid out of the E-911 fund. Todd explained that this contract offers special attachments to E-911 addresses. Todd also noted that the contract is reimbursable thru federal tax grant dollars. Ken Masters made the motion for the auditor to forward copies of the contract to the commissioners for their review, Marvin Cole seconded the motion. Motion carried.
- Todd reported that Mary Street and "B" Street in the Town of Carthage were vacated. A portion of this was not recorded several years ago. It has now been recorded. The information has also been provided to the GIS department
- Todd shared the ESN Numbers as assigned and approved by the commissioners in May of 1994. It was noted that the Jackson Fire Department is now marked as Raleigh Unit #2 and that the ESN Map should be updated. Leigh Morning indicated that this was only a five (5) year contract. It was also noted that the area once covered by Milroy EMS

should now be changed to Anderson Twp Fire. Discussion was held regarding some changes already made.

### **SHERIFF**

Jeff Sherwood, Sheriff, reported thirty-six (36) inmates incarcerated in the Rush County jail. Sherwood reported that the roof leaks seem corrected. The cost of the air conditioning cover is \$1,250.00 and will be paid from Jail building maintenance Sherwood reported.

Sherwood reported that the last of the new deputy vehicles have arrived. Sherwood reported that Deputy Randy Chandler will retire June 24, 2011. The service weapon is usually presented to the deputy upon their retirement. Ken Masters made the motion to continue the policy by presenting Chandler with his service weapon upon his retirement. Marvin Cole seconded the motion. Motion carried.

### **AGENDA "21"**

Victoria Foley questioned the March commissioner minutes and the "Agenda 21" topic as reported by the auditor. Foley questioned the exact wording as was recorded. *"Tom Barnes did comment that he had read the material provided and agreed with most of what he had read"* Foley felt more could have been written about the discussion.

### **FLOOD GATES**

Foley questioned the installation of the flood gates, asking "Where does it stop?" Tom Barnes explained that regarding the flood gates, an in-depth study, and the legal side, the committee has got to do something to protect the people.

The commissioners were asked if they value the opinion of the tax payer. Barnes answered "We represent the taxpayer". Barnes explained the opinions in the next couple of weeks will represent the tax payers.

Further discussion was offered. The commissioners informed those present that they will have an official statement in two (2) weeks. The commissioners also informed everyone that this was not a public hearing.

The commissioners were questioned regarding their yes vote during the previous commissioner meeting. Barnes explained that they had voted yes and could resend that vote and revote. Joan Morrell thanked the commissioners for reconsidering.

### **SOUND SYSTEM/TAPE RECORDER**

Discussion was held regarding information recorded in the minutes. Deborah Adams explained the lack of hearing conversations due to surrounding noises, and soft voices. Adams explained that some department heads give their reports at such a fast pace, she must ask them to repeat parts to get the information correct. Adams noted that she does not do shorthand but she always does her best for accuracy and to capture what is most important. Tom Barnes had

noted that he had asked some to submit reports to assist. Ken Masters made the motion for the Auditor to research and purchase a tape recorder and sound system. Marvin Cole seconded the motion. Motion carried. Adams did question the commissioners if they understood the ramifications of tape recording the commissioner meetings. The Commissioners responded that they did. Carole Yeend mentioned that there was recording systems available that will convert the recorded meetings over to minutes. Leigh Morning explained that this was a non budgeted item.

### **AUDITOR**

Deborah Adams, Auditor, received approval of payroll for the period ending May 13, 2011 on a motion by Ken Masters, seconded by Marvin Cole. Motion carried. By-Weekly claims submitted May 4, 2011 were approved on a motion by Marvin Cole, seconded by Ken Masters. Motion carried.

The commissioners approved the School Congressional Interest Reports on a motion by Marvin Cole, seconded by Ken Masters. Motion carried.

The Surety bond for Patricia Norris, Reporter of the Superior Court, was approved on a motion by Marvin Cole, seconded by Ken Masters. Motion Carried.

The Surety Bond for Patricia Muir, Reporter of the Circuit Court, was approved on a motion by Marvin Cole, seconded by Ken Masters. Motion Carried.

Run reports were submitted and reviewed for Raleigh Fire Department; Carthage Vol. Fire Department; Anderson Twp. Vol. Fire Department; and Rush Memorial Hospital Ambulance.

### **ROLLING MEADOWS SUB DIVISION & COUNTRY SIDE ESTATES SUB DIVISION**

County Attorney Leigh Morning reported that a Deed of Dedication for the Rolling Meadows Sub Division Phase I was approved by the commissioners in August of 1995. Phase II was approved in 1999.

Morning reported that a Deed of Dedication for the Country Side Estates Sub Division in August of 1999.

It was reported that in past years the roads within both Sub Divisions were not maintained by the county. The Commissioners were made aware of the existing Deed of Dedications of both Sub Divisions shortly after the Smith County Acres Sub Division.

Jerry Sitton expressed that it was the counties responsibility to accept the roads. Ken Masters made the motion to accept the roads of the Rolling Meadows Phase I and Phase II and Country Side Estates. Marvin Cole seconded the motion. Motion carried.

### **SENATE BILL 292**

Leigh Morning reported on Senate Bill #292 that was signed into law. Morning explained that this does not affect our current gun in the workplace policy due to the circuit and superior courts are located within our courthouse. Morning did explain that it does affect the personnel policy if the commissioners choose to make the changes. Morning further explained that the employee no longer is required to notify the employer if they have guns and ammo in their vehicle. Morning reported that the law goes into effect July 1, 2011.

Ken Masters made the motion to modify the personnel policy to reflect the changes of Senate Bill #292. Marvin Cole seconded the motion. Motion carried.

### **NATIONAL ABLE NETWORK**

The question as to why Betty Tolliver was the only person working in the county from the National Able Network was addressed to the commissioners. Questions and concerns of nepotism were also raised. John Saxon questioned the convenience of Ron Tolliver hiring his wife for the position in the courthouse. Deborah Adams questioned Saxon if he had spoken to any of the department heads regarding the employee selection. Saxon responded he had not. Adams encouraged him and the others with questions and concerns of the hiring process to discuss it with the department heads.

Bill Todd and Ken Masters tried to answer the questions and concerns. It was explained that Ron Tolliver does not do the hiring of the employees that fill the part time positions. The job placement is done from another location.

### **OCRA DISTRIBUTION**

Ken Masters reported that he along with Jeff Sherwood and Mike Ooley have met and worked out a proposed distribution under direction of the county council. Masters noted that he had previously provided a copy of the distributions to the other commissioners to review prior to the meeting.

There were no changes offered to the proposed distributions. Ken Masters made the motion for the OCRA distribution list be submitted to the county council for their final approval. Marvin Cole seconded the motion. Motion carried.

Motion to adjourn was received from Ken Masters. Marvin Cole seconded the motion.  
Motion carried.

/s/Tom Barnes  
Tom Barnes, Chairman

/s/Marvin Cole  
Marvin Cole

/s/Ken Masters  
Ken Masters

ATTEST:

/s/Deborah C. Adams  
Deborah C. Adams, Auditor